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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,440	09/16/2003	Hiroichi Ukei	Q77488	9838
65565 7590 04/09/2007 SUGHRUE-265550 2100 PENNSYLVANIA AVE. NW WASHINGTON, DC 20037-3213			EXAMINER ZIRKER, DANIEL R	
			ART UNIT 1771	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE 3 MONTHS		MAIL DATE 04/09/2007	DELIVERY MODE PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/662,440

Applicant(s)

UKEI ET AL.

Examiner

Daniel Zirker

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 5-9 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 5-9 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 3/5/07.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

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1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. The Examiner suggests that in claim 1, line 10, after "low-density polyethylene" it appears desirable to insert --,said low density polyethylene-- to remove any possible ambiguity which may exist.
3. The specification is objected to under 35 USC 112, first paragraph, as failing to contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise and exact terms as to enable any person skilled in the art to make and use the invention, substantially for reasons already of record and as most recently set forth in Paragraph No. 3 of Paper No.20060727, together with the following additional observations. While it is noted that applicants indeed do not have to explain the scientific basis for their invention (Response, pages 6-7) the fact is that their Examples are not consistent with the remainder of their disclosure. Note that they argue that there is no error present in their Examples which as earlier noted obtain significantly different results with only very small changes in density in what must be considered a relatively predictable art, while at the same time their specification teaches (e.g. page 11, lines 1-19) that a wide range of densities of both HDPE and LDPE are "especially preferred". Note also that their claims set forth the wide range of densities and weight ranges which are taught as especially preferred. Accordingly, the Examiner can only conclude from the totality of their disclosure that the specification is little more than an invitation to experiment.

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4. Claims 1,2, and 5-9 are rejected under 35 USC 112, first paragraph, as being based on a non enabling disclosure.

5. Claims 1,2, and 5-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishikawa et al. The reference, initially relied upon only as a secondary reference, discloses (note particularly not only Col 4, lines 12-18, but also the Abstract, Figs 2 and 11, Col 1, lines 10-15, lines 39-47, lines 58-64, Col 3, lines 1-5, Col 4, lines 27-37, lines 65-68, Examples, Table 3) substantially an anticipation of at least the broadly claimed genus of adhesive tapes except for a specific recitation of the polyolefin resins HDPE and LDPE which comprise the supporting substrate composition, together with their specific densities. However, one of ordinary skill would clearly be aware that the teachings of Col 4, lines 12-18 would encompass the well known polyolefin species HDPE, LDPE and blends thereof, and note that fillers are also taught as suitable (Col 4, line 67) for incorporation into the polyolefin blends. As regards the specific claimed densities note that Table 3 of the reference does not specifically teach using an LDPE of only 0.920 g/cm³ or higher (Response, page 8), but as merely some unknown polyethylene composition which presumably can be a mixture of various polyethylene species, including, e.g. LDPE of the requisite claimed density less than 0.919g/cm³. Finally, as regards the alleged superior properties possessed by supporting substrates of the claimed genus of adhesive tapes (Response, page 8) this particular aspect of the invention is not agreed with for reasons set forth above in paragraph 3, and note also that applicants' claims are much broader than any supporting substrates which might possibly read upon these particular claimed compositions.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Zirker whose telephone number is 571-272-1486. The examiner can normally be reached on Monday - Thursday from 8:30 to 6:00. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris, can be reached on 571 - 272 - 1478. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Daniel Zirker
Primary Examiner
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A handwritten signature in black ink that reads "Daniel Zirker". The signature is written in a cursive, flowing style.